

1. **2006SP-152U-11**
Nolensville Road Automart
Map 119-09, Parcels 042, 062, 063
Subarea 11 (1999)
Council District 16 – Diane Neighbors

A request to change from CS to SP zoning properties located at 2721 and 2725 Nolensville Pike, and 2722 Grandview Avenue, at the northwest corner of Nolensville Pike and McClain Avenue, (0.82 acres), to permit the expansion of an existing used car sales business, requested by Ronald J. Haslip, applicant, for Ronald J. and Alfred J. Haslip, owners.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST-Preliminary Final Development Plan

A request to change approximately 0.82 acres from Commercial Services (CS) to Specific Plan (SP) zoning, and approval of the final development plan to permit the expansion of an existing "Automobile Sales Used," and "Automobile Services," on property located at 2721 and 2725 Nolensville Pike and 2722 Grandview Avenue.

Existing Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, new auto sales, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

SUBAREA 11 COMMUNITY PLAN

Commercial Arterial Existing (CAE) - CAE policy is intended to recognize existing areas of "strip commercial" which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into more pedestrian-friendly areas.

Industrial and Distribution (IND) - IND policy is intended for existing and future areas of industrial and distribution development. Most types of industrial and distribution uses are found in this policy category including: storage, business centers, wholesale centers, and manufacturing. Certain support uses such as sales, service, and office facilities will also be present in IND areas. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Consistent with policy? - Yes. The request is consistent with the area's Commercial Arterial Existing and Industrial and Distribution policies. In addition, the proposed use already exists and the request is merely for an expansion of the existing use.

In addition to consistency with the General Plan, staff also considers:

- the number and concentration of similar uses in the area under consideration;
- the impact of the use relative to the surrounding properties and the intent of the land use policy category for that area, and
- if site improvements are needed to ensure that the development will enhance the area.

The segment of Nolensville Pike between Thompson Lane and I-440 currently has at least 11 active and vacant (but nonconforming and available for reopening) used auto sales operations. Of these eleven, the applicant owns two. The applicant proposes to consolidate the two locations (and close one) resulting in a reduction of one in the number of used auto sales facilities, although not necessarily the actual amount of square footage allocated to auto sales.

PLAN DETAILS

Background - In April 2006, Metro Council passed legislation that defines different types of “auto uses” and designates which auto uses will be allowed in which zoning districts. With this legislation, used car lots are designated to the SP (Specific Plan), and industrial (IWD, IR and IG) zoning districts. While the new legislation allows for used car lots to be located in all industrial zoning districts by right, other areas require a SP, which is its own zoning district (for more details on the SP see above). Staff’s review of the SP is to ensure that the request is consistent with area policies, and that it will not have any negative impact on the surrounding area, and, if needed, to require certain site design requirements or other improvements in association with the zoning change.

Site Plan - This site is currently developed with a used automobile lot, and this request is for the expansion of the existing use.

Currently there are three separate structures located within the proposed SP district. As proposed, the existing 4,900 square foot building located at the corner of McClain Avenue and Nolensville Road will be demolished, as well as will a smaller 192 square foot storage building. The proposed site plan calls for the third existing 1,200 square foot office building to remain, as well as the construction of a new 2,000 square foot building for a total of 3,200 square feet of building area.

Access - The front two lots along Nolensville Road and the third lot along McClain Avenue are separated by a public alley. Access for the front two lots will be at the two existing locations at Nolensville and McClain with a third access point from the public alley. The rear lot will be access from McClain Avenue and from the public alley.

Staff Recommendation - Staff recommends that the request be approved with conditions.

RECENT REZONINGS – None

PUBLIC WORKS RECOMMENDATION

1. All Public Works’ design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works’ approval of the construction plans.
2. Show and dimension right of way along Nolensville Road at property corners. Label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108’ ROW).

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.82	n/a	3,200	95	12	83

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.82	0.6	21,431	408	55	103

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Vehicular Sales()	0.82	n/a	3,200	107	7	9

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				12	-5	-74

CONDITIONS

1. To ensure that the potential number of used car sale facilities are not increased in this corridor, the applicant shall present evidence that the existing used auto sales facility at 2624 Nolensville Pike will be closed and not reopened for automobile sales, services or repair during the 2 year nonconforming status period of the current lot.
2. The proposed knee wall design shall be amended and approved by the planning staff prior to issuance of any building or use permit for the property. The knee wall shall be constructed along Nolensville Pike and McClain Ave (from Nolensville Pike and the alley). The revised design shall consist of a knee wall of a minimum 24 inch height and the wall shall be constructed of either: concrete, stone, split-faced masonry or other similar material; or pillars with vertical pickets of wrought iron or similar material between the pillars.
3. Along McClain Ave and Grandview Ave adjacent to the property, the applicant shall construct a sidewalk that meets current Metro standards for construction. Any damage to the sidewalk along Nolensville Pike shall be repaired by the applicant.
4. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light
5. All performance and development standards not specifically listed in the SP shall be the same as if the property were zoned CN.
6. The property may also be for any uses permitted in the CN zoning district.
7. No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire, or similar materials shall be allowed on the property.
8. The monument signage shown on the site plan shall be the only free standing signage. Any additional signage shall be on the face of the building. Pole-mounted signs shall not be permitted.
9. Landscaping shall be provided on site, and must be approved by planning staff prior to the issuance of any building permits. Interior landscaping requirements of the Zoning Code (Chapter 17.24) shall be met, including a minimum 8 percent of interior landscaping. For the purpose of determining landscaping requirements, CS zoning should be used to determine the minimum required amount of landscaping as per Chapter 17.24.

10. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
11. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
12. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
13. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
14. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

Mr. Swaggart presented information on this item to the Commission.

Mr. Clifton interrupted the presentation since he had requested this item be pulled from the Consent Agenda and the Public Hearing was closed at the September 14, 2006, meeting. He stated he was no longer in favor of deferring the proposal due to the fact that the zone change was not a bill and would not be heard at Council until January. Mr. Clifton acknowledged the condition included in the proposal that clarified that the existing used auto sales facility would be closed which would result in a reduction of used auto facilities. He then spoke of recent legislation passed by Council that addressed net decreases in used auto facilities in concentrated areas.

Mr. Clifton requested clarification on whether the Commission could condition the proposal that would prohibit a net increase in the square footage of the auto sales facilities.

Mr. Swaggart stated that the current application is for a 3,200 sq. ft. auto use building and that an analysis on whether it would be an increase or decrease was not completed.

Mr. Lawson suggested the Commission request that prior to Council approval that an analysis be completed to make a determination on whether the proposal would be considered an increase or decrease in square footage and it is the Commission's request that the analysis show no increases.

Mr. Clifton clarified that he was not suggesting a reduction, just insuring there would be no increase.

Mr. Clifton moved and Mr. McLean seconded the motion, that the Commission approve Zone Change 2006SP-152U-11 with the added condition that the plan details clarify that there will be no net increase in square footage devoted to auto sales, and if there is an increase, the Commission would recommend disapproval. (7-0)

Resolution No. RS2006-318

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-152U-11 is APPROVED WITH CONDITIONS, including that plan details clarify that there will be no net increase in square

footage devoted to auto sales (by consolidating the existing dealership and an off-site dealership into this site), and if there is an increase, then the project is disapproved. (7-0)

The proposed SP district with no net increase in area devoted to auto sales is consistent with the Subarea 11 Community Plan's Commercial Arterial Existing, and Industrial and Distribution policies, which both allow for many different types of commercial, industrial, distribution as well as used car lots."